

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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RENAISSANCE RANCH, INC.,

Plaintiff,

vs.

BLUFFDALE CITY,

Defendant,

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**ORDER**

Case No. 2:07-CV-529  
Judge Dee Benson

This matter comes before the Court on the proposed defendant-intervenors' unopposed motion pursuant to Rule 24(a) of the Federal Rules of Civil Procedure.

Under rule 24(a)(2), an applicant for intervention may intervene as of right if: (i) the application is timely; (ii) the applicant claims an interest relating to the property or transaction that is the subject of the action; (iii) the lawsuit may as a practical matter impair or impede the applicant's interest; and (iv) existing parties do not adequately represent the applicant's interest. See Fed.R.Civ.P. 24(a)(2); Coalition of Arizona/New Mexico Counties for Stable Economic Growth v. Dep't of Interior, 100 F.3d 837, 840 (10<sup>th</sup> Cir. 1996). The United States Court of Appeals for the Tenth Circuit has noted, without criticism, that the district courts tend to construe the test for intervention liberally in favor of intervention. See Utahns for Better Transp. v. United

States Dep't of Transp., 295 F.3d 1111, 1115 (10<sup>th</sup> Cir. 2002).

The Court finds that the elements set forth in Rule 24(a)(2) have been met here. First, the motion to intervene is timely. The proposed defendant-intervenors filed their motion on August 2, 2007, at the outset of this action, within ten days of the defendant's answer having been filed. Second, the movants claim an interest relating to the property or transaction that is the subject of this action. More specifically, the movants own property immediately adjacent to or in close proximity to the property at issue in this case.

Furthermore, the Court finds that the disposition of the present action, and the activities proposed to be conducted on the property at issue, may impair the movants' interest. Thus, the third element of Rule 24(a)(2) is met. Finally, the Court finds that the fourth element of Rule 24(a)(2) is met in that the interests of the movants are not adequately represented by the existing parties to this lawsuit. Although the defendant city in this action is the administrative body whose ruling is being challenged, the defendant does not have the same ownership interest or financial incentive to defend against this litigation as have the movants, whose interests will be directly affected by the outcome of the present litigation.

In light of the above, the Court deems intervention by the movants to be appropriate under Rule 24(a)(2). Because intervention is appropriate and because no party has filed an opposition to the request to intervene, the Court grants the motion to intervene.

It is so ordered.

Dated this 25th day of September, 2007.

A handwritten signature in black ink, reading "Dee Benson". The signature is fluid and cursive, with the first name "Dee" and last name "Benson" clearly distinguishable.

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Dee Benson  
U.S. District Court Judge